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FISCAL IMPACT REPORT

SPONSOR: Hamilton DATE TYPED: 02/26/03 HB 764/aHENRC

SHORT TITLE: Mitigate Dangers Associated With Wolf Release SB _____

ANALYST: Wilson

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY03	FY04	FY03	FY04		
			\$960.0	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Duplicates SB 746

SOURCES OF INFORMATION

Responses Received From
 Game and Fish Department (GFD)
 State Land Office (SLO)

SUMMARY

Synopsis of HENC Amendment

The House Energy & Natural Resource Committee amendment makes technical and drafting changes.

Synopsis of Original Bill

House Bill 764 makes it unlawful for any wolf to migrate to any non-federal lands, to injure or kill a human being or threaten to, or to injure or kill any pet or any livestock. This bill also dictates that any individual found in violation of their lawful duty to supervise, monitor and control a wolf, or to appropriately limit its migration, shall be guilty of a misdemeanor. It also establishes penalties and protocols for handling circumstances involving offending wolves.

Significant Issues

Mexican gray wolves are listed as endangered under the Endangered Species Act (ESA), and gray wolves are listed as endangered under the New Mexico Wildlife Conservation Act (17-2-37 through 17-2-46 NMSA 1978). Mexican gray wolves were considered to be extinct in the United States until on-the-ground restoration of Mexican gray wolves was undertaken, beginning with releases of Mexican gray wolves into the Blue Range of east-central Arizona in late 1997, as part of a Mexican wolf recovery program carried out under the ESA. Since that time, limited numbers of wolves have dispersed into New Mexico, or been released in New Mexico following translocation from Arizona for management purposes. Currently there are 2 wolf packs that are known to inhabit New Mexico, both of which occur in or around the Gila Wilderness.

Public opinion surveys of New Mexico residents regarding Mexican wolves in both 1987 and 1995 found that a clear majority of the state's residents surveyed expressed positive opinions toward reintroduction of Mexican gray wolves into the state. The 1995 survey also geographically divided the survey results to the counties of proposed Mexican wolf restoration, and found at least 50% of respondents within these counties expressing moderate or strong support for the proposed Mexican gray wolf reintroduction. However, some segments of the state's population, particularly livestock producers, appear to be opposed to Mexican gray wolf reintroduction based on concerns for wolves preying upon livestock and wildlife.

FISCAL IMPLICATIONS

GFD estimates the need for an additional 12 FTEs at an estimated cost of \$960.0 for monitoring, trapping and DNA testing.

ADMINISTRATIVE IMPLICATIONS

The bill makes GFD responsible for administering a process to retain and track DNA samples for all Mexican wolves, along with unique identification numbers assigned to each sample. Additionally, GFD administrators would take on the added responsibility of ensuring that all personnel were in compliance with all provisions of this bill relating to Mexican gray wolves and their movements.

TECHNICAL ISSUES

The GFD provided the following:

Lines 10-11 of page 2, references wolves as being "inherently dangerous to any human beings they randomly encounter". There are no documented cases of wolves attacking and killing or severely injuring people in North America. Wolves may interact with humans on occasion. An independent review of the Mexican gray wolf recovery program after its first three years documented 11 reported wolf-human interactions. In two of these 11 cases (both in Arizona), the reporting parties expressed some level of fear for personal safety. An analysis of one case (and similar cases like it) suggested that the persons were, in fact, in no danger. The second case involved a man who shot a wolf for reportedly attacking the man's dog. The shooting of this wolf was considered allowable under the experimental population rule for the Mexican gray wolf in the Blue Range Recovery Area, and no prosecution for violation of the ESA occurred. Based on all the above information, the characterization of wolves as being "inherently dangerous to any

human beings they randomly encounter” is inaccurate. The “inherently dangerous” reference is also used on page 4, line 25.

On page 2, lines 15-17 state that “any human being or New Mexico citizen found responsible for the death or maiming of wolves shall be prosecuted by federal authorities”. The experimental population rule for Mexican gray wolf reintroduction into Arizona and New Mexico contains provisions for allowable take of Mexican gray wolves that may kill, wound, or bite livestock on private or tribal lands, or for Mexican gray wolves anywhere if necessarily as a result of a threat to human safety. Under this rule, any person taking a Mexican gray wolf under these circumstances is required to report the event, but has no further legal obligations or liabilities for take under the ESA. Similarly, the New Mexico Wildlife Conservation Act (17-2-37 through 17-2-46 NMSA 1978) prohibits the take of species listed as endangered under that Act, but allows take of state-listed species in situations involving an immediate threat to human life or property. Therefore, this statement within the bill is considered to be inaccurate. The above provisions from the experimental population rule would also apply to the statement in the bill on Page 4, lines 1-7.

Section 1. F. on pages 2 and 3 appears to be redundant with Section 1. G. on page 3.

On page 6, sections B(7), B(8), and B(9) (lines 11-22) authorize taking of wolves in a manner that could be in conflict with federal law (ESA and the Mexican gray wolf experimental population rule) and the New Mexico Wildlife Conservation Act (17-2-37 through 17-2-46 NMSA 1978).

The language on page 9, lines 1-10 would conflict with the provisions of the New Mexico Wildlife Conservation Act regarding the management of wildlife in the state found to be threatened or endangered, which state that this wildlife should be “managed to maintain and, to the extent possible, enhance their numbers within the carrying capacity of the habitat” (17-2-39 NMSA 1978).

On page 12, lines 7-14 would authorize taking of wolves in a manner that would be in conflict with federal law (ESA and the Mexican gray wolf experimental population rule) and with the New Mexico Wildlife Conservation Act (17-2-37 through 17-2-46 NMSA 1978).

On page 4, lines 11-15, “knowing, premeditated and intentional unconstrained release of any inherently dangerous carnivorous predator” could be interpreted as applying to other wildlife such as black bears. The GFD utilizes black bear relocation as one available tool to resolve wildlife human conflicts. Without defining an “inherently dangerous carnivorous predator”, if enacted this bill could impact the GFD use of its available tools for alleviating human-wildlife conflicts.

DW/njw:yr